

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Elhadj Maati Moulouad
1823 Fox Chase Rd.
Philadelphia, PA 19152

Plaintiff,

V.

Lexus of Atlantic City, et al.
3169 Fire Rd.
Egg Harbor Twp., NJ 08234

Defendants.

NO.: 14-6904

JURY TRIAL DEMANDED

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' RESPONSE IN
OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ARBITRATION**

Pending before this Honorable Court in the above-captioned matter is Co-defendants', Glauser, et al's Motion to Compel Arbitration (Docket No. 20) arising from this action in essentially auto fraud.

Defendants’ Motion is respectfully suggested as required to be denied because the subject arbitration provision: (1) does not declare Plaintiffs’ waiver of their right to a jury trial¹; (2) impermissibly conflicts with another (Exh. A) arbitration provision²; and (3) contains prohibited and otherwise inconsistent arbitration “rules.”³ (Docket No. 1, Exhibits to Complaint).

WHEREFORE, Plaintiffs respectfully request this Honorable Court deny Defendants' Motion to Compel Arbitration.

¹ Atalese v. U.S. Legal Services, L.P., 99 A.3d 306 (N.J. 2014).

² Rockel v. Cherry Hill Dodge, 368 N.J. Super. 577 (App.Div. 2004); NAACP of Camden County East v. Foulke Mgmt. Corp., 421 N.J. Super. 404 (App.Div. 2011).

³ Defendants' Exhibit claims Plaintiffs are to share AAA costs equally with Defendants' brief implicitly arguing the New Jersey Arbitration Act applies. Plaintiffs' exhibit contends JAMS is the forum per the Federal Arbitration Act. In any event, AAA requires Defendants pay the arbitrator's fee in a consumer arbitration. (Exh. B). Defendants' exhibit also contends each party bears their own attorney's fees – contrary to Plaintiffs' exhibit and the Complaint's fee-shifting Counts.

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Elhadj Maati Moulouad
1823 Fox Chase Rd.
Philadelphia, PA 19152

Plaintiff,

V.

Lexus of Atlantic City, et al.
3169 Fire Rd.
Egg Harbor Twp., NJ 08234

Defendants.

NO.: 14-6904

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Matthew B. Weisberg, Esquire, hereby certify that on this 6th day of April, 2015, a true and correct copy of the foregoing Plaintiffs' Response in Opposition to Defendants' Motion to Compel Arbitration and Memorandum of Law in Support thereof was served via ECF, upon the following parties:

David J. Dering, Esq.
Leary, Bride, Tinker & Moran, Esqs.
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

Thomas M. Kelly, Esq.
Faust, Goetz, Schenker & Blee
570 West Mount Pleasant Avenue
Livingston, NJ 07039

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiffs